HOUSE RESEARCH ORGANIZATION • TEXAS HOUSE OF REPRESENTATIVES
P.O. Box 2910, Austin, Texas 78768-2910
(512) 463-0752 • http://www.hro.house.state.tx.us

HOUSE RESEARCH ORGANIZATION

daily floor report

Monday, May 22, 2017
85th Legislature, Number 78
The House convenes at 10 a.m.
Part Three

Forty-five bills are on the daily calendar for second-reading consideration today. Bills on the General State Calendar analyzed or digested in Part Three of today's *Daily Floor Report* are listed on the following page.

Dwayne Bohac
Chairman
85(R) - 78

HOUSE RESEARCH ORGANIZATION

Daily Floor Report

Monday, May 22, 2017

85th Legislature, Number 78

Part 3

SUBJECT: Increasing the punishment for criminal trespassing at certain campuses

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 6 ayes — Moody, Canales, Gervin-Hawkins, Hefner, Lang, Wilson

0 nays

1 absent — Hunter

SENATE VOTE: On final passage, May 10 — 25-5 (Bettencourt, Burton, Creighton, Hall, V. Taylor)

WITNESSES: No public hearing

BACKGROUND: Penal Code, sec. 30.05 creates an offense for criminal trespassing if a person enters or remains on someone else's property without consent and the person knew entry was forbidden or failed to leave after being asked to do so. The punishment defaults to a class B misdemeanor (up to 180 days in jail and/or a maximum fine of $2,000), with upward and downward departures from that category of offense based on the location.

DIGEST: SB 1649 would increase a criminal trespass offense to a class A misdemeanor (up to one year in jail and/or a maximum fine of $4,000), if the person trespassed at a public institution of higher education and previously had been convicted of or received deferred adjudication for trespassing at an institution of higher education.

The bill would take effect September 1, 2017, and would apply only to an offense committed on or after that date.

SUPPORTERS SAY: SB 1649 would discourage individuals with malicious intent who currently are undeterred by existing penalties from repeatedly trespassing on college campuses. Such individuals are disruptive to the campus environment and potentially dangerous.

OPPONENTS SAY: SB 1649 unnecessarily would enhance the punishment for a trespass that

is already criminal under existing law.

SUBJECT: Adjusting administrative requirements for water well operating permits

COMMITTEE: Natural Resources — favorable, without amendment

VOTE: 10 ayes — Larson, Phelan, Ashby, Burns, Frank, Kacal, T. King, Lucio, Price, Workman

0 nays

1 absent — Nevárez

SENATE VOTE: On final passage, March 22 — 29-0

WITNESSES: For — Linda Kaye Rogers, Hays Trinity Groundwater Conservation District; Sarah Schlessinger, Texas Alliance of Groundwater Districts; (*Registered, but did not testify*: Heather Harward, Brazos Valley GCD; Tom Forbes, North Plains GCD; C.E. Williams, Panhandle GCD; Jim Conkwright, Prairielands GCD; Hope Wells, San Antonio Water System; Billy Howe, Texas Farm Bureau; Stacey Steinbach, Texas Water Conservation Association; Brian Sledge, Texas Water Conservation Association, Upper Trinity GCD, Prairielands GCD, Barton Springs Edwards Aquifer Conservation District; Robert Turner, West Texas Ground Water Management Alliance)

Against — None

BACKGROUND: Water Code, sec. 36.113 directs groundwater conservation districts to require a permit to drill, equip, operate, or complete a water well.

Sec. 36.114 requires a groundwater conservation district to promptly consider and act on each administratively complete application for a groundwater operating permit or permit amendment. An application is considered administratively complete if it includes certain information such as a water conservation plan, the estimated rate at which water will be withdrawn, a water well closure plan, and a drought contingency plan.

Concerns have been raised that guidelines regulating the contents of a

permit application required by a groundwater conservation district are too open-ended and permissive.

DIGEST:

SB 1009 would limit the information a groundwater conservation district could require for an operating permit or permit amendment application to information required by current law, other information included in a district rule in effect on the date the application was submitted, and information reasonably related to an issue the district was authorized to consider. A district could not require additional information to be included in an application for a determination of administrative completeness.

The bill would take effect September 1, 2017.

NOTES:

A companion bill, HB 4017 by Larson, was referred to the House Natural Resources Committee on March 31.

SUBJECT: Expedited licensure for certain physicians specializing in psychiatry

COMMITTEE: Public Health — favorable, without amendment

VOTE: 10 ayes — Price, Sheffield, Arévalo, Burkett, Coleman, Collier, Cortez, Guerra, Klick, Oliverson

0 nays

1 absent — Zedler

SENATE VOTE: On final passage, March 20 — 30-0

WITNESSES: For — Greg Hansch, National Alliance on Mental Illness Texas; (*Registered, but did not testify*: Melissa Shannon, Bexar County Commissioners Court; Eric Woomer, Federation of Texas Psychiatry; Nelson Jarrin, Meadows Mental Health Policy Institute; Gyl Switzer, Mental Health America of Texas; Sebastien Laroche, Methodist Healthcare Ministries of South Texas, Inc.; Eric Kunish, National Alliance on Mental Illness Austin; Jessica Schleifer, Teaching Hospitals of Texas; Lee Johnson, Texas Council of Community Centers; Marcus Mitias, Texas Health Resources; Jennifer Banda, Texas Hospital Association; Andrew Smith, University Health System; Belinda Carlton)

Against — (*Registered, but did not testify*: Kristi Morrison)

BACKGROUND: Occupations Code, ch. 155 establishes licensure requirements for physicians to practice medicine in Texas. Sec. 155.003(e) states an applicant is ineligible for a license if:

- the applicant holds a medical license that currently is restricted, canceled, or suspended for cause, or revoked;
- an investigation or a proceeding is instituted against the applicant for the restriction, cancellation, suspension, or revocation; or
- a prosecution is pending against the applicant in any state, federal, or Canadian court for any offense that under the state's laws is a felony or a misdemeanor that involves moral turpitude.

Observers have noted that Texas faces a severe shortage of psychiatrists. They contend that an expedited licensing process for out-of-state psychiatrists would improve access to mental health services.

DIGEST:

SB 674 would require the Texas Medical Board to create an expedited licensing process for an applicant who:

- held an unrestricted license issued by another state to practice medicine;
- was board certified in psychiatry by the American Board of Psychiatry and Neurology or the American Osteopathic Board of Neurology and Psychiatry; and
- was not ineligible under Occupations Code, sec. 155.003(e).

The process would have to include a screening procedure to determine an applicant's eligibility for expedited licensure.

The bill would prohibit the requirements to renew a registration permit for an expedited license holder from being more stringent than the requirements for a non-expedited license holder. The bill would allow TMB to establish a fee for the expedited licensure process. The bill's provisions would expire January 1, 2022.

The bill would take effect September 1, 2017, and would require the medical board to implement the expedited licensure process by January 1, 2018.

SUBJECT: Requiring personal service of certain notices by a constable or sheriff

COMMITTEE: Public Health — favorable, without amendment

VOTE: 10 ayes — Price, Sheffield, Arévalo, Burkett, Coleman, Collier, Cortez, Guerra, Klick, Oliverson

0 nays

1 absent — Zedler

SENATE VOTE: On final passage, May 4 — 31-0, on Local and Uncontested Calendar

WITNESSES: For — Guy Herman, Statutory Probate Court Judge; (*Registered, but did not testify*: Lee Johnson, Texas Council of Community Centers; Bryan Hebert, United Ways of Texas)

Against — None

BACKGROUND: Health and Safety Code, sec. 571.013 requires that notices given in mental health proceedings be delivered in person or in another manner directed by the court that is reasonably calculated to give actual notice.

Observers have questioned whether current law adequately protects the due process rights of these individuals.

DIGEST: SB 1912 would require that a constable or sheriff personally serve notice in mental health proceedings.

The bill would remove a requirement that a person file an original signed paper copy of a signed document in a proceeding under the Texas Mental Health Code within a specified time frame before the court can accept an electronically transmitted or photocopied copy. Instead, a person could file an electronic copy of a document as long as the person retained the original copy and made it available to the parties or court upon request.

The bill also would allow courts, with the permission of the

commissioners court, to create mental health public defender offices to provide legal assistance to proposed patients in commitment hearings. The bill would require a court to appoint an attorney affiliated with a public defender office, mental health or otherwise, or a private attorney in any proceeding to determine court-ordered mental health services.

The bill would remove a provision that authorizes dismissal of a proceeding if the clerk does not receive an original signed copy of a document.

The bill would take effect September 1, 2017.

NOTES:

A companion bill, HB 3658 by Hinojosa, was referred to the Public Health Committee on March 31.

SUBJECT: Grants for veterans county service offices from veterans' assistance fund

COMMITTEE: Defense and Veterans' Affairs — favorable, without amendment

VOTE: 7 ayes — Gutierrez, Blanco, Arévalo, Cain, Flynn, Lambert, Wilson

0 nays

SENATE VOTE: On final passage, May 9 — 27-4 (Buckingham, Hancock, Nelson, Schwertner)

WITNESSES: No public hearing

BACKGROUND: Government Code, sec. 434.032 requires a county with a population of at least 200,000 to maintain a veterans county service office. Sec. 434.017 governs the fund for veterans' assistance, a special fund in the state treasury outside the general revenue fund.

Observers note that some counties do not have adequate funding to maintain their required veterans county service offices.

DIGEST: SB 1679 would require the Texas Veterans Commission to use at least 5 percent of the funds appropriated to it from the fund for veterans' assistance each fiscal year to provide grants to veterans county service offices. The offices would be required to use grant funds for direct assistance and services to veterans living in the counties they serve.

On July 1 of each fiscal year, if the commission had not received enough grant requests from veterans county service offices, the commission could use any of the amount remaining of the 5 percent for any purpose for which it is currently allowed to use the fund for veterans' assistance. The commission could use more than the 5 percent of funds appropriated from the fund to provide grants to veterans county service offices.

The bill would require the Texas Veterans Commission to adopt rules governing the award of grants to veterans county service offices.

The bill would take effect September 1, 2017.

SUBJECT: Allowing purchase of food, beverages for certain emergency responders

COMMITTEE: Appropriations — favorable, without amendment

VOTE: 23 ayes — Zerwas, Longoria, Ashby, G. Bonnen, Cosper, Dean, Giddings, Gonzales, González, Howard, Koop, Miller, Muñoz, Perez, Phelan, Raney, Roberts, J. Rodriguez, Rose, Sheffield, Simmons, VanDeaver, Walle

0 nays

4 absent — Capriglione, S. Davis, Dukes, Wu

SENATE VOTE: On final passage, April 3 — 31-0, on Local and Uncontested Calendar

WITNESSES: No public hearing

BACKGROUND: Government Code, sec. 418.052 allows the Texas Division of Emergency Management to use appropriated funds to buy food and beverages for division personnel who are activated during a disaster and cannot leave their assignment areas.

Concerns have been raised that while the division occasionally uses people outside the division to respond to disasters and other emergency situations, it is not authorized to buy them needed food and beverages.

DIGEST: SB 854 would allow the Texas Division of Emergency Management to use appropriated funds to buy food and beverages for any person activated during an emergency situation, incident, or disaster who, as a result, could not leave his or her assignment area.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

SUBJECT: Allowing beneficiary designations of motor vehicles by owners

COMMITTEE: Judiciary and Civil Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Smithee, Farrar, Gutierrez, Hernandez, Laubenberg, Murr, Neave, Rinaldi, Schofield

0 nays

SENATE VOTE: On final passage, April 19 — 31-0, on Local and Uncontested Calendar

WITNESSES: *On House companion bill, HB 1753:*
For — Trish McAllister, Texas Access to Justice Commission; (*Registered, but did not testify*: Jacqueline Pontello, One Voice Texas; Guy Herman, Statutory Probate Courts of Texas; Karen Phillips, Texas Automobile Dealers Association; Lora Davis; Steve Davis; Craig Hopper)

Against — None

On — (*Registered, but did not testify*: Jeremiah Kuntz and Clint Thompson, Texas Department of Motor Vehicles)

BACKGROUND: Transportation Code, sec. 501.023 governs applications for motor vehicle titles. To obtain a title, the owner of a motor vehicle must present identification and apply to the county assessor-collector in the county where the owner is domiciled or where the motor vehicle is purchased or encumbered. The assessor-collector must send the application to the Texas Department of Motor Vehicles or enter it into the department's titling system within 72 hours after receiving it.

Concerns have been raised that no mechanism is currently available, other than probate, for the owner of a motor vehicle to arrange for the transfer of the vehicle at the owner's death.

DIGEST: SB 869 would create a method for an owner of a motor vehicle to transfer the owner's interest in the vehicle to a sole beneficiary effective on the owner's death. The owner would have to make a beneficiary designation,

which would be a revocable nontestamentary instrument that could be changed at any time by the owner without the consent of the beneficiary. It could not be revoked or superseded by a will, regardless of when the will was made.

To make the designation, the owner would have to submit an application for title with the designation to the county assessor-collector. To be effective, the title would have to contain the legal name of the designated beneficiary, and the designation would have to state that the transfer of interest in the vehicle was to occur at the owner's death. The owner could change or revoke the beneficiary designation at any time by submitting a new application for title.

During the life of the owner, the designation would not:

- affect any interest or right of the owner making the designation;
- create a legal or equitable interest in favor of the beneficiary;
- affect an interest or right of a secured or unsecured creditor; or
- affect the owner's or the beneficiary's eligibility for any form of public assistance, subject to applicable federal law.

If the beneficiary failed to survive the owner by 120 hours, the designation would lapse and the interest in the vehicle would pass as if the designation were a devise made in a will.

If the beneficiary survived the owner by 120 hours, the interest in the vehicle would be transferred to the beneficiary, unless the beneficiary chose to disclaim his or her interest in a manner provided by the Uniform Disclaimer of Property Interests Act. The beneficiary would have to submit an application for title within 180 days of the owner's death with satisfactory proof of the owner's death. The Department of Motor Vehicles would then have to transfer title to the beneficiary. The beneficiary would take the vehicle subject to all encumbrances, assignments, contracts, liens, and other interests that the vehicle was subject to at the owner's death.

If the vehicle was owned by joint owners with a right of survivorship, all joint owners would have to make the beneficiary designation or agree to

revoke or change a beneficiary designation. If only one joint owner remained, that owner could revoke or change the designation. The beneficiary could not claim his or her interest until all joint owners had passed.

The bill would take effect on September 1, 2017.

NOTES: A companion bill, HB 1753 by Farrar, was approved by the House on May 4.

SUBJECT: Requiring a tree planting credit to offset tree mitigation fees

COMMITTEE: Urban Affairs — favorable, without amendment

VOTE: 6 ayes — Alvarado, Leach, Bernal, Isaac, J. Johnson, Zedler

0 nays

1 absent — Elkins

SENATE VOTE: On final passage, April 5 — 30-0

WITNESSES: None

DIGEST: SB 744 would require a municipality that imposed a tree mitigation fee for tree removal necessary for development or construction on a person's property to allow that person to apply for a tree planting credit to offset the fee. The amount of the credit would be applied in the same manner as the tree mitigation fee assessed against the person and be at least 50 percent of the tree mitigation fee.

The bill would require an application for a tree planting credit to be in the form prescribed by a municipality. To qualify for a credit, a tree would need to be:

- planted on property where the tree mitigation fee was assessed or on property agreed upon by the municipality and the property owner, with the option to consult certain organizations to identify a suitable area for planting; and
- at least two inches in diameter at the point on the trunk 4.5 feet above the ground.

As long as a municipality provided a credit to offset a tree mitigation fee, the bill would not affect the municipality's ability to determine:

- the size, number, and type of trees required to be planted to receive credit, except as provided by the bill's requirements on planting

location and tree size;

- the requirements for tree removal and corresponding tree mitigation fees; or
- the requirements for tree planting and management practices to ensure the mature tree reached its anticipated height.

The bill would not apply to property within five miles of an active federal military base in use as of September 1, 2017.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017, and would apply only to tree mitigation fees assessed on or after that date.

SUPPORTERS SAY:

SB 744 would encourage developers and builders to plant trees to replace those they had removed during construction. The bill would allow for municipalities to direct the planting of these trees to areas other than the property being developed, which could place more trees in areas most at risk of flooding or air pollution. Developers and builders also would retain the ability to plant replacement trees on the sites being developed.

OPPONENTS SAY:

SB 744 could encourage developers and builders to remove trees from development properties to maximize space on which to build. New developments are associated with increased air pollution from vehicles and create additional impervious cover that worsens flooding. A lack of trees where new developments were constructed would exacerbate these issues.

NOTES:

A companion bill, HB 2052 by Phelan, was approved by the House on May 9.

SUBJECT: Texas Medical Board enforcement of subpoenas and pain clinic regulation

COMMITTEE: Public Health — favorable, without amendment

VOTE: 9 ayes — Price, Sheffield, Arévalo, Burkett, Coleman, Cortez, Guerra, Klick, Oliverson

1 nay — Zedler

1 absent — Collier

SENATE VOTE: On final passage, May 10 — 30-0

WITNESSES: *On House companion bill, HB 3040:*
For — Matt Boutte, Texas Academy of Physician Assistants; David Teuscher, Texas Medical Association; Robert Van Boven; (*Registered, but did not testify*: Rick Hardcastle, Celltex Therapeutics; Vicki Sanders, Society of Radiology Physician Extenders, American Society of Radiologic Technologists; Lisa Jackson, Texas Academy of Physician Assistants; Jaime Capelo, Texas Chapter American College of Cardiology, Texas Academy of Physician Assistants; Nora Belcher, Texas e-Health Alliance; Troy Alexander, Texas Medical Association; Jay Propes, Texas Ophthalmological Association; Clayton Travis, Texas Pediatric Society)

Against — Sheila Page, Association of American Physicians and Surgeons; Emily Kebodeaux Cook and John Seago, Texas Right to Life; Tony Farmer

On — Andrew Kotsanis and Beverly Kotsanis, Kotsanis Institute; Erick Fajardo, Sunset Commission; Wally Doggett, Texas Association of Acupuncture and Oriental; Robert Bredt, Scott Freshour, and Monique Johnston, Texas Medical Board; Coleman Hemphill and Sheila Hemphill, Texas Right To Know; Lawrence Broder; Joseph Zadeh; Susan Zadeh; (*Registered, but did not testify*: Megan Goode, Texas Medical Board)

BACKGROUND: The Texas Medical Board licenses and regulates medical practitioners in

the state. The board's mission is to protect and enhance the public's health, safety, and welfare by establishing and maintaining standards of excellence used in regulating the practice of medicine and ensuring quality health care for the citizens of Texas through licensure, discipline, and education.

In addition to medical licensing and regulation, the medical board also:

- registers and inspects pain management clinics and physicians who perform office-based anesthesia;
- investigates and resolves complaints;
- takes disciplinary action to enforce the board's statutes and rules; and
- monitors compliance with disciplinary orders.

DIGEST:

SB 315 would adopt the Legislature's findings related to a compelling state interest in opioid and controlled substance prescription regulation. The bill also would allow the Texas Medical Board to inspect pain management facilities or clinics to determine whether they should be certified and would authorize a process for the board to enforce a subpoena.

Legislative findings. SB 315 would adopt legislative findings that deaths resulting from the use of opioids and other controlled substances constitute a public health crisis and that there is a compelling state interest in the Texas Medical Board closely regulating the prescribing of opioids and other controlled substances by physicians and their delegates. The Legislature finds that board investigations and inspections, including the board's use of subpoenas for immediate production, inspection, and copying of medical and billing records, are necessary to adequately regulate the prescribing of opioids and other controlled substances in order to protect the public health and welfare.

Pain management clinic inspection and compliance. SB 315 would authorize the board to inspect a pain management clinic or facility that was not certified to determine whether it was required to be certified under state law. The board by rule would establish the grounds for conducting such an inspection, including those based on:

- the population of patients served by the clinic or facility;
- the volume or combination of drugs prescribed to patients served by the clinic or facility; and
- any other criteria the board considered sufficient for an inspection.

As it related to disciplinary actions and offenses by a person affiliated with a pain management clinic, inappropriate prescribing under the bill would include nontherapeutic prescribing or other conduct as specified by board rule.

Subpoena enforcement. If a person failed to comply with a subpoena issued by the board, SB 315 would authorize the board to act through the attorney general to sue to enforce the subpoena in Travis County district court or in another county where the hearing could be held. If the court found that there was good cause to issue the subpoena, it would be required to order the person to comply with the subpoena.

Effective date. SB 315 would take effect September 1, 2017.

NOTES: The Texas Medical Board underwent Sunset review during the 2016-17 cycle and is scheduled to expire in statute on September 1, 2017. SB 315 as introduced contained continuing language for the board and several Sunset recommendations. The Senate committee substitute to SB 315 removed many of these provisions, including the continuing language. On May 21, the House adopted an amendment by Price to SB 80 by Nelson, which would continue the board until September 1, 2021. As amended, SB 80 by Nelson was approved by the House on May 21.

A companion bill, HB 3040 by Burkett, was reported favorably from the House Committee on Public Health on April 25.

SUBJECT: Adjusting requirements for public school minutes of operation

COMMITTEE: Public Education — committee substitute recommended

VOTE: 10 ayes — Huberty, Bernal, Allen, Bohac, Deshotel, Gooden, K. King, Koop, Meyer, VanDeaver

0 nays

1 absent — Dutton

SENATE VOTE: On final passage, May 9 — 31-0

WITNESSES: For — Fred Brown, Texans Can Academy; Christine Nishimura, Texas Charter Schools Association; Brance Barker, UME Preparatory Academy; (*Registered, but did not testify*: Claudia Russell, Chaparral Star Academy; Jesus Chavez, South Texas Association of Schools; Miranda Goodsheller, Texas Association of Business; Dianne Wheeler)

Against — None

On — (*Registered, but did not testify*: Von Byer and Leonardo Lopez, Texas Education Agency; Amanda List, Texas League of Community Charter Schools)

BACKGROUND: The 84th Legislature in 2015 enacted HB 2610 by K. King. The bill modified Education Code, sec. 25.081 to change the minimum amount of instruction time each school district is required to provide each school year from 180 days to 75,600 minutes, with certain exceptions. Interested parties say that changes are needed to facilitate the implementation of HB 2610 for certain schools, including dropout recovery schools and charter schools that operate outside the normal school day.

DIGEST: CSSB 1660 would modify requirements related to the 75,600 minutes of operation required in a school year. It would authorize the Commissioner of Education to determine the number of minutes required for a full-day and half-day of operation and an alternative minimum minutes of

operation under certain circumstances.

Operation time. The bill would replace the requirement that each public school district operate for each school year so that the district provides for at least 75,600 minutes of instruction, including intermissions and recesses, with a requirement that each district would operate for each school year for at least 75,600 minutes, including time allocated for instruction, intermissions, and recesses for students.

The bill would replace references related to instruction time with references related to operation time. The Commissioner of Education would be authorized to adopt rules to implement provisions relating to the required operation of schools, including:

- rules to determine the minutes of operation that were equivalent to a day of instruction;
- rules defining instructional time, which may include time allocated for recess and serving breakfast or lunch to students; and
- establishing the minimum number of minutes of instruction required for a full-day and a half-day program to meet the operation time requirements.

A district or education program would be exempted from the minimum minutes of operation requirement if its average daily attendance was calculated under provisions in the bill that would allow an alternative minimum amount of minutes for a dropout recovery school or program and a school program offered at a residential or correctional facility. The commissioner could determine the qualifications to be considered a dropout recovery school that were different from those required under other sections of the Education Code.

The commissioner would be authorized to adopt rules establishing full-day and half-day minutes of operation for kindergarten and prekindergarten programs. A district that operated a half-day prekindergarten program would be eligible to receive the half-day average daily attendance calculation if the program provided at least 32,400 minutes of instruction.

On application from an open-enrollment charter school or a charter school operated by a college or university, the commissioner would be required to calculate the average daily attendance for the school using an alternative minimum amount of minutes of operation if:

- during the 2014-2015 school year, the school was eligible to earn a full average daily attendance calculation under the applicable law governing the school during that year; and
- the school provided at least the same amount of instruction to students as it provided during the 2014-2015 school year and was no longer eligible to earn the full average daily attendance during the current school year.

Funding. The commissioner could proportionally reduce the amount of funding a district received under Education Code, chs. 41, 42, or 46 and the average daily attendance calculation if the district operated on a calendar that provided fewer than 75,600 minutes of operation.

Other provisions. The bill would repeal Education Code requirements that a day of instruction means 420 minutes of instruction and a school day must be at least seven hours, including intermissions and recesses.

The bill would apply beginning with the 2018-2019 school year. It would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

SUBJECT: Requiring disclosure of special course fees in course catalogs

COMMITTEE: Higher Education — committee substitute recommended

VOTE: 8 ayes — Lozano, Raney, Alonzo, Alvarado, Button, Howard, Morrison, Turner

0 nays

1 absent — Clardy

SENATE VOTE: On final passage, May 3 — 31-0

WITNESSES: For — None

Against — None

On — (*Registered, but did not testify*: Julie Eklund, Texas Higher Education Coordinating Board)

BACKGROUND: Observers note that institutions of higher education do not always include information in their course catalogs on special fees required for some courses, and some argue that students should have access to this information.

DIGEST: CSSB 537 would require institutions of higher education to include in the institution's online course catalog the description and amount of any special course fee, including an online access fee or lab fee, to be charged for each course. A published, hard-copy catalog could include fee information from the most recent academic year.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017, and would apply beginning with course catalogs published for the 2018-19 academic year.

SUBJECT: Providing information on a ward's health and residence to relatives

COMMITTEE: Judiciary and Civil Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Smithee, Farrar, Gutierrez, Hernandez, Laubenberg, Murr, Neave, Rinaldi, Schofield

0 nays

SENATE VOTE: On final passage, April 25 — 31-0

WITNESSES: No public hearing

BACKGROUND: Estates Code, sec. 1151.056 details a guardian's duty to inform certain relatives about a ward's health and residence.

Observers point out that certain notice requirements in guardianship law have resulted in significant time and resources spent by guardians to locate family members whose whereabouts are unknown and who have shown little interest in the ward.

DIGEST: SB 1709 would require that a citation to appear and answer an application for guardianship served on a proposed ward's parents or spouse contain a statement notifying the relative that, if a guardianship was created for the proposed ward, the relative would have to elect in writing to receive notice about the ward's health and residence.

The bill also would require a person filing an application for guardianship to give notice to each adult child and adult sibling of the proposed ward that, if a guardianship was created for the proposed ward, the relative would have to elect in writing in order to receive notice about the ward's health and residence.

Notice about a ward's health and residence would have to be given only to spouses, parents, siblings, and children who did not have a protective order issued against them to protect the ward, had not been found by a court or state agency to have abused, neglected, or exploited the ward, and

had elected in writing to receive the notice.

SB 1709 would require a guardian to provide notice as soon as possible, and no later than September 1, 2019, to a ward's spouse, parents, siblings, and children whose whereabouts were known or could reasonably be ascertained that they needed to elect in writing in order to receive notice about the ward's health and residence. This requirement would apply only to a guardianship created on or before the bill's effective date or created after the bill's effective date if the application for guardianship was pending at that time.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017, and would apply to a guardianship created before, on, or after that date.

SUBJECT: Prohibiting certain property tax incentives near military aviation facilities

COMMITTEE: Ways and Means — committee substitute recommended

VOTE: 6 ayes — D. Bonnen, Bohac, Darby, Murr, Raymond, Springer

5 nays — Y. Davis, E. Johnson, Murphy, Shine, Stephenson

SENATE VOTE: On final passage, April 19 — 22-9 (Birdwell, Creighton, Garcia, Huffines, Perry, Rodríguez, Seliger, Watson, Zaffirini)

WITNESSES: *On House companion bill, HB 445:*
For — Tom Tagliabue, City of Corpus Christi; Dick Messbarger, City of Kingsville; Stephen Santellana, City of Wichita Falls; Gregory Maisel, South Texas Military Facilities Task Force, Corpus Christi Chamber of Commerce; Carine Martinez-Gouhier, Texas Public Policy Foundation; (*Registered, but did not testify*: Guadalupe Cuellar, City of El Paso; Christine Wright, City of San Antonio; Joe Guzman, South Texas Military Facilities Task Force; Mark Mendez, Tarrant County; Ginny Cross, United Corpus Christi Chamber of Commerce; Michele Haralson)

Against — David Belote and Mark Stover, Apex Clean Energy; Patrick Woodson, E. On Climate and Renewables; Cyrus Reed, Lone Star Chapter Sierra Club; Jeffrey Clark, the Wind Coalition; (*Registered, but did not testify*: Suzi McClellan, AES Generation; Hugo Berlanga, APEX Wind Energy; Janis Carter, Avangrid; Paula Barnett, BP; Adam Cahn, Cahnman's Musings; David Foster, Clean Water Action; Andrew Dickson, Duke Energy; Lynnae Willette, EDF-RE; Vanessa Tutos, EDP Renewables; Michael Jewell, Environmental Defense Fund, Pattern Energy; Ron Lewis, General Electric; Eric Wright, EDPR, Lincoln Clean Energy; Suzanne Bertin, Texas Advanced Energy Business Alliance; Elizabeth Doyel, Texas League of Conservation Voters; Colby Nichols, Texas Schools for Economic Development, Texas Rural Education Association; Thomas Ratliff, Tri-Global Energy; Kaiba White, Public Citizen)

On — Warren Lasher, Electric Reliability Council of Texas (ERCOT);

Matt Manning, Sheppard AFB, US Air Force; Mike Branum, US Navy, Texas Commanders Council; (*Registered, but did not testify*: Robert Wood, Comptroller; Keith Graf, Office of the Governor; Brian Lloyd, Public Utility Commission)

BACKGROUND:

Tax Code, sec. 313.024(b) lists the types of property eligible to receive limitations on appraised value. Property used for renewable energy electric generation or an advanced clean energy project is eligible for a limitation on appraised value.

DIGEST:

CSSB 277 would make certain property on which a wind-powered energy device was installed within 25 miles of a military aviation facility ineligible to receive tax abatements or limitations on appraised value. This property would include a parcel of real property, a new building constructed on the parcel, a new improvement on the parcel, or tangible personal property on the parcel.

The bill would define "military aviation facility" to mean a base, station, fort, or camp where fixed wing aviation operations or training is conducted by the U.S. Air Force or Air Force Reserve, U.S. Army or Army Reserve, U.S. Navy or Navy Reserve, U.S. Marine Corps or Marine Corps Reserve, U.S. Coast Guard or Coast Guard Reserve, or the Texas National Guard.

The bill would take effect September 1, 2017, and would apply only to an agreement that was entered into or pending on or after that date.

SUPPORTERS SAY:

CSSB 277 would reduce the safety hazards posed to military aviation facilities by wind turbines by eliminating tax incentives near military air facilities for these projects. Wind turbines create false interference on military radars, which can obscure aircraft altogether or impede the military's ability to distinguish between military and civilian aircraft. Providing incentives to locate wind farms elsewhere would bolster the military's ability to effectively train pilots and conduct exercises.

The bill would protect military communities from the potential economic ramifications of having wind turbines nearby. The next round of Base Realignment and Closure (BRAC) will occur in 2019, and base closure or

loss of missions resulting from wind turbine interference would significantly damage the economies of military communities, which depend on bases to provide much of their tax revenue.

The bill would not damage the alternative energy industry, because wind farmers could respond either by relocating or foregoing the abatement or limitation. Additionally, the cost to the state of potentially losing a military base would far outweigh a minor hindrance to the wind industry.

Existing U.S. Department of Defense review processes are not sufficient to protect the economic livelihood of Texas military bases because the department does not favor any particular state.

OPPONENTS SAY:

CSSB 277 could harm Texas's alternative energy industry by making wind farm owners ineligible to receive the property tax exemptions that they currently receive. Chapter 313 agreements pertaining to wind farms should not be prevented, as they provide jobs and ensure Texas is competitive in the alternative energy industry.

Existing review processes by the U.S. Department of Defense already guarantee that wind farms and bases can coexist, and wind companies are already investing in improvements to radar systems. The bill would unnecessarily infringe upon the operation and development of wind-powered energy systems.

NOTES:

CSSB 277 differs from the Senate-passed version by removing the section on legislative findings, making the bill applicable to tax abatement agreements pending at the time of the effective date, and changing the effective date from January 1, 2018 to September 1, 2017.

According to the Legislative Budget Board, to the extent that wind farm owners who were subject to the bill were no longer eligible to receive a property tax abatement or limitation, related costs to the Foundation School Fund could be decreased through the operation of the school finance formulas.

A companion bill, HB 445 by Frank, was reported favorably as substituted from the House Ways and Means Committee on May 3 and placed on the

General State Calendar for May 11.

SUBJECT: Establishing a PTSD research center and veteran suicide prevention plan

COMMITTEE: Defense and Veterans' Affairs — committee substitute recommended

VOTE: 7 ayes — Gutierrez, Blanco, Arévalo, Cain, Flynn, Lambert, Wilson

0 nays

SENATE VOTE: On final passage, March 28 — 31-0

WITNESSES: No public hearing

BACKGROUND: Observers have noted the need to improve mental health and prevent suicide among Texas veterans. They contend that creation of a clinical and research center for combat-related post-traumatic stress disorder (PTSD) would allow The University of Texas Health Science Center at San Antonio to expand its clinical trials and treatment studies and provide training for health care providers who interact with active military members and veterans suffering from PTSD.

DIGEST: CSSB 578 would require the board of regents of the University of Texas System to establish the National Center for Warrior Resiliency at The University of Texas Health Science Center at San Antonio (UTHSCSA). The center would research issues regarding the detection, prevention, diagnosis, and treatment of combat-related post-traumatic stress disorder and comorbid conditions. The center also would provide clinical care to enhance the psychological resiliency of military personnel and veterans.

The board of regents would provide for the employment of the center's staff, provide the center's operating budget, and choose a site for the center at UTHSCSA. An employee of the center would be a UT System employee.

The bill would allow the board to solicit, accept, and administer gifts and grants from any public or private source for the center's use and benefit.

The center could collaborate with public and private entities, including

institutions of higher education, the U.S. Department of Veterans Affairs (VA) and Department of Defense, the National Institutes of Health, and the Texas Veterans Commission, to perform the center's research functions.

The bill also would require the Health and Human Services Commission (HHSC) to collaborate with public and private entities to develop an action plan to prevent veteran suicides by increasing access to and availability of professional veteran health services. An action plan would have to:

- provide proactive outreach methods to reach veterans needing care;
- identify funding resources to provide accessible, affordable veteran mental health services;
- provide measures to expand public-private partnerships to ensure access to quality, timely mental health services;
- address suicide prevention awareness, measures, and training on veterans involved in the justice system; and
- provide for peer-to-peer service coordination, including training, certification, recertification, and continuing education for peer coordinators.

The bill would require HHSC to make specific short-term and long-term statutory, administrative, and budget-related recommendations to the Legislature and the governor on policy initiatives and reforms necessary to implement the action plan. The initiatives and reforms in the short-term plan and long-term plan would have to be fully implemented by September 1, 2021, and September 1, 2027, respectively. The provisions relate to the action plan would expire on September 1, 2027.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

NOTES:

CSSB 578 differs from the Senate-passed version in that the committee substitute would require the board of regents of the University of Texas System to establish the National Center for Warrior Resiliency at the

University of Texas Health Science Center at San Antonio.

A companion bill, HB 3032 by Blanco, was referred to the House Committee on Defense and Veterans' Affairs on March 27.

SUBJECT: Reducing conservation management planning and reporting requirements

COMMITTEE: Government Transparency and Operation — favorable, without amendment

VOTE: 4 ayes — Elkins, Capriglione, Lucio, Uresti

0 nays

3 absent — Gonzales, Shaheen, Tinderholt

SENATE VOTE: On final passage, April 19 — 31-0, on Local and Uncontested Calendar

WITNESSES: For — (*Registered, but did not testify*: Christopher Mullins, Sierra Club; David Lancaster, Texas Society of Architects; David Matiella, USGBC Texas; Kenneth Flippin)

Against — None

On — Dub Taylor, Comptroller of Public Accounts

BACKGROUND: Government Code, sec. 447.009 requires a state agency or institution of higher education to develop an energy and water management plan that will be used in preparing its five-year construction and major renovations plans. The State Energy Conservation Office is required to provide energy and water management planning assistance to a state agency or an institution of higher education, including:

- preparation by the agency or institution of a long-range plan for the delivery of reliable, cost-effective utility services for the state agency or institution;
- assistance to the Department of Public Safety for energy emergency contingency planning, using state or federal funds when available;
- assistance to each state agency or institution of higher education in preparing comprehensive energy and water management plans; and
- assisting state agencies in meeting conservation requirements,

including scheduling and assigning priorities to implementation plans to ensure that state agencies adopt qualified cost-effective efficiency measures and programs for all state facilities.

A state agency or institution of higher education that occupies a state-owned building is required to prepare and implement a five-year energy and water management plan, and to update the plan annually.

Not later than December 1 of each even-numbered year, the State Energy Conservation Office is required to submit a report to the governor and the Legislative Budget Board on the status and effectiveness of the utility management and conservation efforts of state agencies and institutions of higher education. The report also must be posted on the office's website.

Observers have noted that there are numerous overlapping or inconsistent energy and water management reporting requirements for state agencies and institutions of higher education.

DIGEST:

SB 59 would remove the requirement that the State Energy Conservation Office assist a state agency in meeting conservation requirements by scheduling and assigning priorities to implementation plans to ensure that state agencies adopt qualified cost-effective efficiency measures and programs for all state facilities.

It also would remove the requirement that a state agency or institution of higher education develop a long-range plan for the delivery of reliable, cost-effective utility services for the state agency or institution. Additionally, state agencies or institutions of higher education occupying a state-owned building would no longer have to prepare and implement a five-year energy and water management plan.

The bill would change the submission date for the report by the State Energy Conservation Office to January 15 of each odd-numbered year.

This bill would take effect September 1, 2017.